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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91170863
Party	Plaintiff Sexy Hair Concepts, LLC Sexy Hair Concepts, LLC ,
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Date	02/08/2007
Attachments	Opposer's Reply to Request for Removal from Suspension.PDF (3 pages) (237497 bytes)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED ELECTRONICALLY TO THE COMMISSIONER FOR TRADEMARKS <http://esfta.uspto.gov/filing-type.jsp>

BY: 

DATE: 2-8-07

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

SEXY HAIR CONCEPTS, LLC

Opposer,

v.

Opposition No. 91170863

PERFECT PLUS, INC.

Applicant.

**OPPOSER'S REPLY TO APPLICANT'S OPPOSITION TO OPPOSER'S REQUEST
FOR REMOVAL FROM SUSPENSION**

Opposer, Sexy Hair Concepts, LLC ("Sexy Hair"), submits this reply in response to Applicant's, Perfect Plus, Inc. ("Applicant"), Opposition To Opposer's Request For Removal From Suspension, which motion was filed January 17, 2007.

Applicant has requested that this opposition remain suspended until a decision is rendered in Opposition Proceeding No. 91125739.

Sexy Hair submits that further suspension is not warranted for the following reasons:

The initial agreed suspension of this matter was predicated on settlement discussions, then ongoing, which have terminated with no settlement being reached.

The basis on which Applicant now seeks suspension is insufficient. Neither the parties nor the facts are identical in this proceeding as in the referenced proceeding brought by Opposer against V Secret Catalogue Inc.'s application to register SO SEXY.

Applicant claims no relationship with V Secret Catalogue Inc. The “SEXY ‘N SASSY” mark in issue here is different than the “SO SEXY” mark in issue in Opposition Proceeding No. 91125739. As well, Sexy Hair stated in its Notice of Opposition:

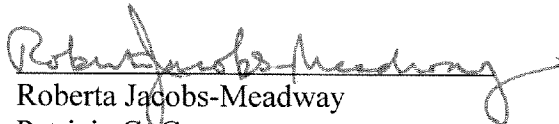
20. Applicant has in fact taken steps to aggravate the likelihood of confusion, demonstrating its bad faith in the selection of the SEXY ‘N SASSY mark. Specifically, applicant has adopted a trade dress for its SEXY ‘N SASSY hair care products that is strikingly similar to Opposer’s trade dress for its “SHORT SEXY HAIR” product line, including the silver cylindrical container with red lettering to stand out in contrast to the other black lettering on the package. On applicant’s package, SEXY ‘N SASSY stands out in red. On Opposer’s previously used package, SEXY is the mark that stands out in red.

Further, the arguments raised by V Secret Catalogue Inc. in Opposition Proceeding No. 91125739 have no analogue in the present proceeding, including the use of the Victoria’s Secret mark and the sale of goods through Victoria’s Secret’ proprietary trade channels. Applicant can not seek to rely on any such arguments.

As such, there is no sound basis and no reason to delay the resumption of this proceeding.

Therefore, pursuant to Section 510.03(b) of the TBMP, Sexy Hair respectfully requests that this proceeding be removed from suspension and that all trial dates be reset.

Date: February 8, 2007

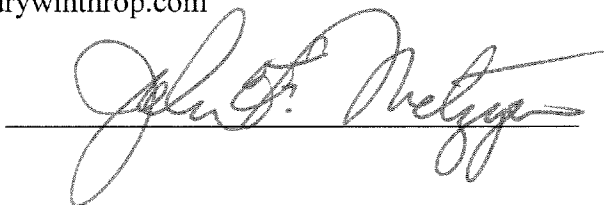

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CERTIFICATE OF SERVICE

I, John F. Metzger, hereby certify that a true and correct copy of the foregoing Opposer's Reply To Applicant's Opposition To Opposer's Request For Removal From Suspension was served on counsel for the Applicant on the date listed below via electronic mail and First Class Mail, postage pre-paid:

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Dated: Feb. 8, 2007

A handwritten signature in cursive script, reading "John F. Metzger", is written over a horizontal line.